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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,758	05/31/2000	Yeon-Taek Han	P56100	4132
7590	04/07/2004		EXAMINER	BOCCIO, VINCENT F
Robert E Bushnell 1522 K Street NW Suite 300 Washington, DC 20005-1202			ART UNIT	PAPER NUMBER
			2615	
DATE MAILED: 04/07/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/583,758	HAN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Vincent F. Boccio	2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

114

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Statyus

1)  Responsive to communication(s) filed on *Election With traverse*.  
2a)  This action is **FINAL**.                            2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) 6-10 is/are withdrawn from consideration.

5)  Claim(s) 11-15 is/are allowed.

6)  Claim(s) \_\_\_\_\_ is/are rejected.

7)  Claim(s) 2 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

Art Unit: 2615

**DETAILED ACTION****Election**

1. Applicant's election with traverse of election of Species I claims 1-5 and 11-15, restriction in Paper No. 7 is acknowledged.

The traversal is on the ground(s) that "if the search can be made without series burden the examiner MUST examine on the merits" & "The examiner has not alleged any series burden, therefore, the examiner MUST examine the entire application". This is not found persuasive because.

{A} There is no requirement in restriction wherein the examiner MUST DECLARE BURDEN, wherein Burden is determined by the examiner, not applicant.

{B} Furthermore, since the examiner had felt the burden, it is inherent in view of the restriction, that the examiner had already considered multiple distinct inventions a burden, further the examiner believes any more than one distinct invention is burden to any examiner.

The requirement is still deemed proper and is therefore made FINAL.

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshio et al. (US 6,215,952).

Regarding claim 1, Yoshio discloses and meets the limitations associated with a method of controlling special playback modes of a video signal reproducing apparatus, the method comprising the steps of:

Art Unit: 2615

- determining whether the video signal is converted from a predetermined mode (no reproduction) to a normal mode of reproduction (play);
- determining whether a time (Fig. 15) which is necessary for detecting program class data and determining class, lapsing from the predetermined mode to normal, the time being the same as from normal to special (a detection period); and
- refusing a special playback key {for time}, when the time for determining has not lapsed (according to cols. 25-26, etc., according to Fig. 15, upon a user selection of a special mode the change of mode is refused or delayed,

"@ S11, a user input for a special mode",  
@ S12, after S11, refusing the special mode for a time lapse period, until a flag value "0" {step S12: NO}, is detected, thereby execution of operation step S13, when the flag is detected @ S 13.

Regarding claims 3-5, Yoshio further meets the limitation of providing a table of predetermined special playback key commands (special user commands, search, slow etc.), is stored in memory, interrupt (restricted or refused), is invoked when a command input before the time necessary for determining a program class had lapsed corresponding to one among the commands in the table (col. 25, lines 62-, "search, slow", {claimed as one of search, slow or still}) and the normal playback mode starts, the command is any command other than normal or rewind commands.

Allowable Subject Matter

2. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding the combination of claims 1 & 2, the prior art of record fails, teach, disclose or fairly suggest, a method of controlling special playback modes of a video signal reproducing apparatus, the method comprising the steps of:

Art Unit: 2615

- determining whether a time, which is necessary for detecting program class data and determining a class, lapses starting from a time when the predetermined mode is converted into the normal playback mode; and
- refusing special playback key command for any of the special playback modes when the time necessary for determining has not lapsed,  
**wherein the step of refusing comprises a step of displaying a message indicating that the special playback key is refused.**

3. Claims 11-15 are allowed.

Regarding claim 11, the prior art of record fails to teach, disclose or fairly suggest a method of controlling special playback modes of a video signal reproducing apparatus, the method comprising the steps of:

- selecting a permitted program class;
- determining whether the video signal reproducing apparatus is converted from a predetermined mode to a normal playback mode after selecting the permitted program class, wherein the video signal reproducing apparatus generates a reproduced video signal from a medium during normal playback mode;
- starting a count operation when the predetermined mode is converted into the normal playback mode, the count operation generating count data;
- detecting program class data embedded in the reproduced video signal;
- determining whether the time period has elapsed by comparing the count data to a predetermined count variable corresponding to the time period, when it is determined that the special playback key command is input; and
- refusing the special playback key for any of the special playback modes when the time period has not elapsed.

Art Unit: 2615

**Contact Fax Information**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication intended for entry)

or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

**Contact Information**

1. Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F. Boccio (703) 306-3022.

If any attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Andy Christensen (703) 308-9644.

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service (703) 306-0377.

Primary Examiner, Boccio, Vincent  
4/5/04

  
VINCENT BOCCIO  
PRIMARY EXAMINER